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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Haines et al.

Examiner: Geoffrey S. Mruk

Serial No.: 10/635,636

Group Art Unit: 2853

Filed: August 6, 2003

Docket No.: 200210233-1

Title: FILTER FOR PRINthead ASSEMBLY

CERTIFICATE OF TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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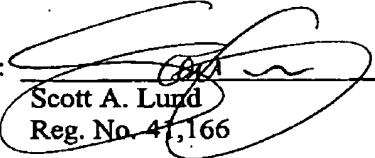
1. Transmittal Letter for Reply Brief (1 pg.); and
2. Reply Brief to Examiner's Answer (7 pgs.)

Respectfully submitted,

Mark Haines et al.,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2006
Facsimile: (612) 573-2005

Date: JAN 2, 2007
SAL:hsf

By: 
Scott A. Lund
Reg. No. 41,166

9 PAGES – INCLUDING COVER PAGE

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PATENT APPLICATION

**HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400**

ATTORNEY DOCKET NO. 200210233-1

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Mark Haines et al.

Confirmation No.: 8480

Application No.: 10/635,636

Examiner: Geoffrey S. Mruk

Filing Date: August 6, 2003

Group Art Unit: 2853

Title: FILTER FOR PRINthead ASSEMBLY

**Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on November 3, 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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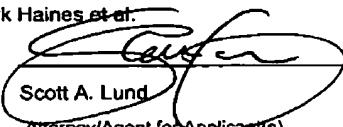
Typed Name: Scott A. Lund

Signature: 

Respectfully submitted,

Mark Haines et al.

By



Scott A. Lund

Attorney/Agent for Applicant(s)

Reg No.: 41,166

Date: January 2, 2007

Telephone: (612) 573-2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Haines et al. Examiner: Geoffrey S. Mruk
Serial No.: 10/635,636 Group Art Unit: 2853
Filed: August 6, 2003 Docket No.: 200210233-1
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REPLY BRIEF TO EXAMINER'S ANSWER

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Reply Brief is presented in response to the Examiner's Answer mailed November 3, 2006, and in support of the Notice of Appeal filed June 13, 2006 and the Appeal Brief filed August 10, 2006, appealing the rejection of claims 1-10, 12, and 13 of the above-identified application as set forth in the Final Office Action mailed February 14, 2006.

At any time during the pendency of this application, please charge any fees required or credit any overpayment due to Deposit Account No. 08-2025 pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees required to Deposit Account No. 08-2025 under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Appellant respectfully requests reconsideration and reversal of the Examiner's rejection of pending claims 1-10, 12, and 13.

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ARGUMENT**Reply to Examiner's Response to Argument**

Regarding the rejection of claims 1-8, 12, and 13 under 35 U.S.C. 102(b) as being anticipated by Arashima et al. US Patent No. 5,481,289, as outlined in the Appeal Brief at pages 3 and 4, independent claim 1 includes "a frame having a first face and a second face opposite the first face, and an opening formed therein communicated with the first face and the second face;" "separate filter material provided on each the first face and the second face of the frame, and enclosing the opening of the frame;" and "a fluid fitting associated with the frame, the fluid fitting including a fluid port offset from the frame and a fluid passage communicated with the opening of the frame and the fluid port."

With reference to an enlarged portion of Figure 7 of the Arashima et al. patent as presented on page 8 of the Examiner's Answer, the Examiner asserts the following:

Therefore, the first filter member (70) and the second filter member (63) of the Arashima et al. patent do constitute separate filter material provided on opposite first and second faces of a frame and enclosing an opening of the frame. The frame (94) in this instance provides the support necessary for the location of the first and second filter members and an opening to supply ink to the discharge ports (30). The ink supply tube (52) of the Arashima et al. patent does constitute a fluid fitting including a fluid port offset from a frame of the ink supply mechanism and a fluid passage communicated with the opening of the frame and the fluid port. Also, as shown below from an enlarged portion of Figure 7, Arashima meets the claimed limitations. (Examiner's Answer, p. 7).

From the enlarged portion of Figure 7 of the Arashima et al. patent, the above application of the Arashima et al. patent to independent claim 1, and the application of the Arashima et al. patent to independent claim 1 in the Grounds of Rejection as presented on page 3 of the Examiner's Answer, it appears as though the Examiner considers ink leading-out port 94 and ink supply tube 52 of the Arashima et al. patent to be "a frame" as claimed in independent claim 1, considers ink supply inlet 69 of the Arashima et al. patent to be "an opening" as claimed in independent claim 1, considers intermediate filter 63 and filter 70 of the Arashima et al. patent to be "separate filter material" as claimed in independent claim 1, and considers ink supply tube 52 of the Arashima et al. patent to be "a fluid fitting" as claimed in independent claim 1. Appellant, however, submits that this interpretation of the Arashima et al. patent by the Examiner is not consistent with the disclosure of the Arashima

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et al. patent and does not teach or suggest each and every element as defined and recited in independent claim 1.

For example, Appellant submits that ink supply tube 52 of the Arashima et al. patent and ink supply inlet 69 of the Arashima et al. patent cannot represent "a frame" and "an opening" in the frame, respectively, as claimed in independent claim 1 because ink supply inlet 69 is not formed ink supply tube 52. Rather, ink supply inlet 69 of the Arashima et al. patent is formed in ink tank 19 and receives the end of ink supply tube 52 (see, e.g., Arashima, Figs. 3 and 7; col. 8, lines 11-14). As such, ink supply tube 52 is fitted within ink supply inlet 69. Since ink supply tube 52 (i.e., the "frame") is fitted within ink supply inlet 69 (i.e., the "opening"), Appellant submits that ink supply tube 52 does not represent "a frame having...an opening formed therein" as claimed in independent claim 1.

Appellant also submits that ink supply inlet 69 of the Arashima et al. patent and intermediate filter 63 and filter 70 of the Arashima et al. patent cannot represent "an opening" and "separate filter material," respectively, as claimed in independent claim 1 because intermediate filter 63 and filter 70 of the Arashima et al. patent are not "enclosing the opening of the frame" as claimed in independent claim 1. For example, intermediate filter 63 of the Arashima et al. patent is "thermally bonded to the end of the ink supply tube 52 on the ink tank 19 side" and filter 70 of the Arashima et al. patent is "thermally bonded to the ink leading-out port 94 of the ink tank 19" (Arashima, col. 10, lines 55-61; see also Fig. 7). In addition, as outlined above, ink supply inlet 69 of the Arashima et al. patent is formed in ink tank 19 such that the end of ink supply tube 52 is fitted within ink supply inlet 69 (see, e.g., Arashima, Figs. 3 and 7; col. 8, lines 11-14).

Since intermediate filter 63 of the Arashima et al. patent is bonded to the end of the ink supply tube 52 and the end of ink supply tube 52 is fitted within ink supply inlet 69, intermediate filter 63 is provided inside ink supply inlet 69 (see, e.g., Arashima, Fig. 7). As intermediate filter 63 is provided inside ink supply inlet 69 (i.e., inside the "opening"), intermediate filter 63 does not enclose (i.e., surround on all sides) ink supply inlet 69. Appellant, therefore, submits that intermediate filter 63 does not represent filter material "enclosing the opening of the frame" as claimed in independent claim 1.

In addition, Appellant submits that intermediate filter 63 and filter 70 of the Arashima et al. patent cannot represent "separate filter material provided on each the first face and the

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second face of the frame" as claimed in independent claim 1 because intermediate filter 63 and filter 70 of the Arashima et al. patent are not provided on opposite faces of a frame. As outlined above, intermediate filter 63 of the Arashima et al. patent is "thermally bonded to the end of the ink supply tube 52 on the ink tank 19 side" and filter 70 of the Arashima et al. patent is "thermally bonded to the ink leading-out port 94 of the ink tank 19" (Arashima, col. 10, lines 55-61; see also Fig. 7). As such, filter 70 is provided inside ink supply inlet 69 (Arashima, col. 7, lines 14-16). In addition, the end of ink supply tube 52 of the Arashima et al. patent (with intermediate filter 63 bonded to the end) is fitted within ink supply inlet 69 (see, e.g., Arashima, Fig. 7).

Since intermediate filter 63 of the Arashima et al. patent is bonded to the end of the ink supply tube 52 and the end of ink supply tube 52 is fitted within ink supply inlet 69, intermediate filter 63 is also provided inside ink supply inlet 69 (see, e.g., Arashima, Fig. 7). As intermediate filter 63 and filter 70 are both provided inside ink supply inlet 69, intermediate filter 63 and filter 70 are not provided on opposite faces (i.e., opposite outer surfaces) of a frame. Appellant, therefore, submits that intermediate filter 63 and filter 70 do not represent "separate filter material provided on each the first face and the second face of the frame" as claimed in independent claim 1 wherein the second face is opposite the first face.

Furthermore, Appellant submits that ink supply tube 52 of the Arashima et al. patent cannot represent "a fluid fitting" as claimed in independent claim 1 because ink supply tube 52 of the Arashima et al. patent does not include a fluid port offset from the frame and does not include a fluid passage communicated with the opening of the frame and the fluid port. For example, since the Examiner considers ink supply tube 52 of the Arashima et al. patent to be both "a frame" and "a fluid fitting" (see Examiner's Answer, p. 7, enlarged portion of Fig. 7), ink supply tube 52 of the Arashima et al. patent (as "a fluid fitting") cannot include a fluid port "offset from the frame" as claimed in independent claim 1 because the "fluid fitting" (i.e., ink supply tube 52) is also the "frame" (i.e., ink supply tube 52).

In addition, the volume of ink supply tube 52 from the discharging ports 30 of the ink jet head 17 to the intermediate filter 63 cannot be "a fluid passage" as claimed in independent claim 1 because the volume of ink supply tube 52 does not communicate with "an opening" of a frame as enclosed by separate filter material provided on opposite faces of the frame and

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"a fluid port" offset from the frame (see, e.g., Arashima, Fig. 7). Accordingly, Appellant submits that ink supply tube 52 of the Arashima et al. patent does not represent "a fluid fitting" as claimed in independent claim 1.

Once again, Appellant notes that to anticipate a claim under 35 U.S.C. 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference").

Thus, for the reasons set forth above, as well as the reasons set forth in the Appeal Brief filed August 10, 2006, Appellant submits that the Arashima et al. patent does not teach or suggest each and every element of independent claim 1. More specifically, Appellant submits that the Arashima et al. patent does not teach or suggest a frame having a first face and a second face opposite the first face, with an opening formed therein communicated with the first face and the second face, does not teach or suggest separate filter material provided on each the first face and the second face of the frame so as to enclose the opening of the frame, and does not teach or suggest a fluid fitting associated with the frame, with the fluid fitting including a fluid port offset from the frame and a fluid passage communicated with the opening of the frame and the fluid port, as claimed in independent claim 1.

Accordingly, Appellant submits that independent claim 1 is patentably distinct from the Arashima et al. patent. Furthermore, as dependent claims 2-8, 12, and 13 further define patentably distinct claim 1, Appellant submits that these dependent claims are also patentably distinct from the Arashima et al. patent. Appellant, therefore, respectfully submits that the rejection of claims 1-8, 12, and 13 under 35 U.S.C. 102(b) is not correct and should be withdrawn, and that claims 1-8, 12, and 13 should be allowed.

Regarding the rejection of claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Arashima et al. US Patent No. 5,481,289 in view of Lattuca et al. US Patent No. 6,398,354, Appellant notes that claims 9 and 10 depend from independent claim 1 and, as such, include all of the limitations of independent claim 1. As outlined above, contrary to the position of the Examiner, Appellant submits that the Arashima et al. patent does not teach or suggest a frame having a first face and a second face opposite the first face, with an opening formed therein communicated with the first face and the second face, does

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not teach or suggest separate filter material provided on each the first face and the second face of the frame so as to enclose the opening of the frame, and does not teach or suggest a fluid fitting associated with the frame, with the fluid fitting including a fluid port offset from the frame and a fluid passage communicated with the opening of the frame and the fluid port, as claimed in independent claim 1.

As outlined in the Appeal Brief at page 7, the Lattuca et al. patent discloses an ink filtration device 28 including a body portion 30 which includes a chamber 32 containing a filtration member 34 which separates an unfiltered ink area 36 from a filtered ink area 38 such that the filtered ink area 38 is in flow communication with a filtered ink outlet port 40 of the filtration device 28 and the filtered ink outlet port 40 is in flow communication with the ink flow path feeding ink to the printheads 14 (Lattuca, col. 3, lines 43-53; Fig. 3).

The Lattuca et al. patent, however, does not teach or suggest a frame having a first face and a second face opposite the first face, with an opening formed therein communicated with the first face and the second face, does not teach or suggest separate filter material provided on each the first face and the second face of the frame so as to enclose the opening of the frame, and does not teach or suggest a fluid fitting associated with the frame, with the fluid fitting including a fluid port offset from the frame and a fluid passage communicated with the opening of the frame and the fluid port, as claimed in independent claim 1.

Accordingly, Appellant submits that the Lattuca et al. patent does not overcome the shortcomings of the Arashima et al. patent. Appellant, therefore, submits that modifying the Arashima et al. patent in view of the Lattuca et al. patent, in the manner suggested by the Examiner, does not teach or suggest all of the limitations of claims 9 and 10. Once again, Appellant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Thus, for the reasons set forth above, as well as the reasons set forth in the Appeal Brief filed August 10, 2006, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 9 and 10. Appellant, therefore, respectfully submits that the rejection of claims 9 and 10 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claims 9 and 10 should be allowed.

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CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Reply Brief should be directed to either Thomas A. Jolly at Telephone No. (541) 715-7331, Facsimile No. (541) 715-7331 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400
Fort Collins, Colorado 80527-2400

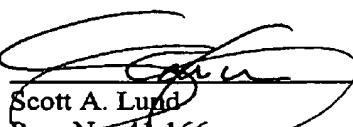
Respectfully submitted,

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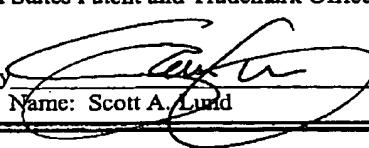
By,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2006
Facsimile: (612) 573-2005

Date: JAN. 2, 2007
SAL:hsf


Scott A. Lund
Reg. No. 41166

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By 
Name: Scott A. Lund